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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN BONILLA as CHAIRMAN and KEN  
WALTERS as CO-CHAIRMAN of the  
BOARDS OF TRUSTEES FOR THE  
OPERATING ENGINEERS HEALTH AND  
WELFARE TRUST FUND, PENSION FUND  
FOR OPERATING ENGINEERS,  
PENSIONED OPERATING ENGINEERS  
HEALTH AND WELFARE FUND,  
OPERATING ENGINEERS VACATION  
AND HOLIDAY TRUST FUND,  
NORTHERN CALIFORNIA  
PREAPPRENTICE, APPRENTICE AND  
JOURNEYMAN AFFIRMATIVE ACTION  
TRAINING FUND, OPERATING  
ENGINEERS CONTRACT  
ADMINISTRATION FUND FOR  
NORTHERN CALIFORNIA, OPERATING  
ENGINEERS INDUSTRY STABILIZATION  
TRUST FUND AND OPERATING  
ENGINEERS MARKET PRESERVATION  
TRUST FUND,

Plaintiffs,

v.

BAY AREA CONSTRUCTION FRAMERS,  
INC., a California corporation; and PAUL  
DOUGLAS VERRIPS, an Individual,

Defendants.

**CASE NO. C-05-3876 CRB**

**PLAINTIFFS' NOTICE OF *EX PARTE*  
APPLICATION FOR DISMISSAL OF  
ACTION WITHOUT PREJUDICE AND  
~~PROPOSED~~ ORDER**

**CURRENT DATE: March 24, 2006  
TIME: 10:00 a.m.  
COURTROOM: 8, 19<sup>th</sup> Floor  
JUDGE: Hon. Charles R. Breyer**

Now come the plaintiffs, hereinabove named, and request that the court dismiss the within  
action, without prejudice. The basis for the request is the newly submitted material received by

1 plaintiffs from defense counsel asserting that the Basic Crafts Alliance should determine the merits  
2 of defendants' claim that it is only obligated to make contributions to the Carpenters Trust Funds  
3 for the work at issue.

4 Simultaneously with the filing of this Notice, plaintiffs have notified counsel for the  
5 defendants of their willingness to dismiss the action. In consideration of the court's time, this  
6 application is being submitted prior to a response from defendants' counsel.

7  
8 DATED: March 15, 2006

STANTON, KAY & WATSON, LLP

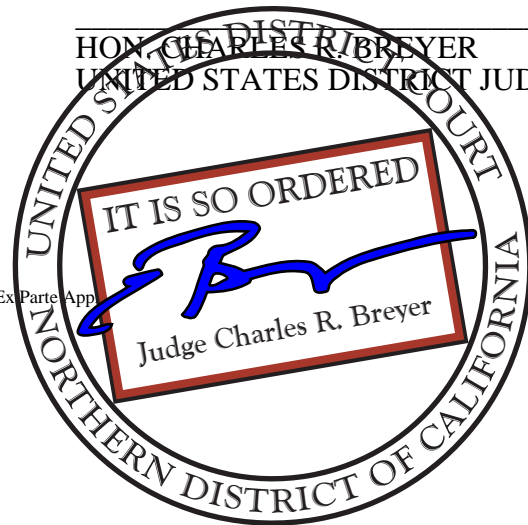
9  
10 By /s/ James P. Watson  
James P. Watson

11 Attorneys for Plaintiffs  
12

13 **IT IS SO ORDERED.**  
14

15 DATED: March 6, 2006

16 HON. CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE



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